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FAX COVER SHEET

To: U.S. Patent and Trademark Office

From: Raymond A. Joao, Esq.

Date: December 14, 2007

Fax No.: 1-571-273-8300

No. Pages: 15 (including cover)

Re: RESPONSE TO OFFICE ACTION - U.S. PATENT
APPLICATION SERIAL NO. 10/045,080

To Whom It May Concern:

Please find transmitted herewith a RESPONSE TO OFFICE ACTION for filing in the above-identified application.

Respectfully Submitted,




Raymond A. Joao

Reg. No. 35,907

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I hereby certify that this correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at 571-273-8300 on December 14, 2007.


Raymond A. Joao

RJ470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMOND A. JOAO

SERIAL NO.: 10/045,080

FILED : JANUARY 15, 2002

FOR : APPARATUS AND METHOD FOR PROVIDING TRANSACTION
HISTORY INFORMATION, ACCOUNT HISTORY
INFORMATION, AND/OR CHARGE-BACK INFORMATION

EXAMINER : A. RUDY

GROUP : 3627

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This is a Response to the Office Action, mailed December 6, 2007, wherein the Examiner asserted that the reply filed on October 14, 2006 is not fully responsive to the prior Office Action.

Applicant gratefully acknowledges the Examiner's time and courtesy extended during the telephone interview with Applicant on December 13, 2007. During the telephone interview of December 13, 2007, Applicant and the Examiner agreed that Applicant's reply to the prior Office Action, filed on October 14, 2006, is fully responsive to the prior Office Action, mailed October 12, 2006, and that no corrective action on the part of the Applicant is necessary. The Examiner also instructed Applicant to indicate such agreement in this Response to Office Action.

Applicant provides the following reasons in support of Applicant's position, that the reply filed on October 14, 2006 is fully responsive to the prior Office Action, mailed October 12, 2006. Applicant respectfully submits that the reply filed on October 14, 2006 to which the Examiner refers is Applicant's Response To Restriction Requirement, filed October 14, 2006, and that the prior Office Action to which the Examiner refers is the Office Action, mailed October 12, 2006, which contained a restriction requirement. A copy of Applicant's Response To Restriction Requirement, filed on October 14, 2006, and a copy of the Office Action, mailed October 12, 2006, are submitted herewith for the Examiner's convenience.

In Applicant's Response To Restriction Requirement, filed October 14, 2006, Applicant elected the invention of Group I, Claims 43-61, drawn to a transaction method, classified in Class 705, Subclass 30, Applicant identified Claims 43-61 as being the Claims encompassing the elected invention, and Applicant requested examination of Claims 43-61 on the merits. See Response To Restriction Requirement, October 14, 2006, pages 1-2. Applicant submits that no amendments to the Claims were made in the Response To Restriction Requirement, filed October 14, 2006.

In the Office Action, mailed December 6, 2007, the Examiner stated the following:

"The reply filed on October 14, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claim identifiers are not accurate as to each claims status, e.g. (Previously Presented) should be listed. See 37 CFR 1.111." See Office Action, mailed December 6, 2007, page 2.

Applicant respectfully submits that the above assertion by the Examiner is erroneous and should be withdrawn, as Applicant, in fully responding to the Office Action, mailed October 12, 2006, made no amendments to any of

the Claims in Applicant's Response To Restriction Requirement, filed October 14, 2006.

In Applicant's Response To Restriction Requirement, filed October 14, 2006, Applicant fully complied with the Examiner's instructions provided on page 3 of the Office Action, mailed October 12, 2006. The Examiner instructed Applicant as follows:

"Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention." See, Office Action, mailed October 12, 2006, page 3, lines 13-16.

Applicant submits that Applicant's Response To Restriction Requirement, filed October 14, 2006, contained:

(i) Applicant's election of the invention of Group I, Claims 43-61, drawn to a transaction method, classified in Class 705, Subclass 30, and (ii) Applicant's identification of Claims 43-61 as being the Claims encompassing the elected invention, and, therefore, Applicant's Response To Restriction Requirement, filed October 14, 2006, is fully responsive to the Office Action, mailed October 12, 2006.

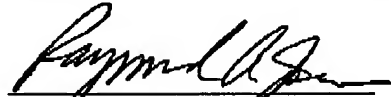
See Response To Restriction Requirement, filed October 14, 2006, pages 1-2.

In view of the foregoing, Applicant respectfully submits that Applicant's Response To Restriction Requirement, filed October 14, 2006, is fully responsive to the prior Office Action, mailed October 12, 2006, and that the Examiner's objection thereto should be withdrawn.

With regard to the Examiner's assertion, in the Office Action, mailed December 6, 2007, that: "The claim identifiers are not accurate as to each claims status . . .", Applicant respectfully submits that such assertion is erroneous since no Listing of Claims, and, therefore, no claim identifiers, are required in Applicant's Response To Restriction Requirement, filed October 14, 2006. Applicant submits that Applicant's Response To Restriction Requirement, filed October 14, 2006, does not include any amendments to any of the Claims and, therefore, does not require a Listing of Claims and the attendant claim identifiers. In view of the foregoing, Applicant respectfully requests that the Examiner's objection to Applicant's Response To Restriction Requirement, filed October 14, 2006, for an alleged lack of claim identifiers, be withdrawn.

In view of the above, Applicant respectfully submits that Applicant's reply, namely, Applicant's Response To Restriction Requirement, filed October 14, 2006, is fully responsive to the prior Office Action, mailed October 12, 2006. In view of the foregoing, Applicant respectfully requests that the Examiner's objection to Applicant's Response To Restriction Requirement, filed October 14, 2006, be withdrawn and that the Examiner examine pending Claims 43-61 on the merits.

Respectfully Submitted,



Raymond A. Joao
Reg. No. 35,907

Encls.: - Copy of Response To Restriction Requirement, filed
October 14, 2006
- Copy of Office Action, mailed October 12, 2006

December 14, 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,080	01/15/2002	Raymond Anthony Joao	RJ470	2925

7590 10/12/2006

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EXAMINER	
RUDY, ANDREW J	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/045,080		JOAO, RAYMOND ANTHONY	
	Examiner		Art Unit	
	Andrew Joseph Rudy		3627	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 30 July 2006.

2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 43-62 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) 43-62 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 43-61, drawn to a transaction method, classified in class 705, subclass 30.
 - II. Claim 62, drawn to a transaction method having a time limitation, classified in class 705, subclass 30.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because no time parameters are required. The subcombination has separate utility such as time based accounting method.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if

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any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Raymond Joao, Esq. on October 3, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) Identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

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distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that the claimed subject matter must be reflected in the drawing figures.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Joseph Rudy
Primary Examiner
Art Unit 3627